

NATIONAL
INDIAN
GAMING
COMMISSION

AUG - 3 1994

Michael J. Horan
400 Swissvale Avenue
Suite 31
Pittsburgh, Pennsylvania 15221

Dear Mr. Horan:

This responds to your letter of May 13, 1994, requesting an advisory opinion from the National Indian Gaming Commission (NIGC) on whether a game you invented called "Shooter Bingo" is a class II game under the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq. (IGRA).

"Shooter Bingo" is played on a table that allows up to 22 players to participate in the game. Imprinted on the table at each of the 22 stations are two cards, one is referred to as the shooter card the other the bingo card. The cards consist of two horizontal rows and four vertical rows containing eight symbols. Unlike traditional bingo where no two bingo cards are alike, in Shooter Bingo there are only two different cards. All shooter cards have the same combination of symbols: row one contains the letters B, B, row two contains the letters I, I, row three contains the letters G, G, and row four contains the letters B, I. Likewise, all bingo cards have the same combination of symbols: row one contains the letters N, N, row two contains the letters O, O, row three contains the words FREE, FREE, and row four contains the word FREE and the letter O.

Two special dice are used to determine the winning combinations. The six-sided die have the letters B, I, N, G, O and the word FREE instead of dotted numbers.

According to the materials you have provided the NIGC, the rules of Shooter Bingo are as follows:

- A. The house designates one of the three possible Shooter Bingo games: 1) single line; 2) corners; 3) coverall
- B. A player participant is designated the shooter and is first to purchase a choice of the shooter card or the bingo card for a dollar amount within the posted limits. That dollar amount and a five percent (5%) commission are laid with every card purchased.

C. Players continue clockwise to purchase either a shooter card or a bingo card.

D. The bingo caller makes certain before the game begins that an equal amount of players' money has purchased the shooter card as the bingo card. Once the game begins no changes are permitted.

E. The bingo caller is the supervising authority whose word is final in all matters that arise while conducting Shooter Bingo.

F. When the bingo caller has assured that the bets on both cards are faded equally, the dice are passed to the shooter and the game is closed. No additional cards may be purchased.

G. The shooter must throw the dice to the opposite side of the table past the bingo caller and cause both dice to bank off the table rail. When the dice come to rest on the play field, the face of the dice most upward are the drawn (thrown) combination. The bingo caller will call "no dice" and void that draw if a shooter fails to properly throw the dice.

H. When a winning combination pattern on the dice is drawn (thrown) by the shooter, participants call "bingo" and cover the winner pattern on their purchased card with Shooter Bingo markers. The bingo caller will then halt the game and announce a bingo and the winning card, while covering the large center winning card combination display.

I. When a winning combination pattern is drawn (thrown) by the shooter, that game ends. The bingo caller and staff collect the dollar purchase amount and the five percent (5%) commission from the losing cards around the table, retain the five percent (5%) commission for the house, and pay the bingo winner(s) from the losing cards purchase money. No commission is charged or collected from winning cards.

J. If the bingo is on the shooter card, the shooter retains the dice or may pass the dice clockwise to the next player who wishes to throw the dice. If the bingo card is the winning card, the dice must pass clockwise to the next willing player.

Under the IGRA, class II gaming means in pertinent part:

(i) the game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith)-

(I) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations,

(II) in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and

(III) in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards

including (if played in the same location)...other games similar to bingo...

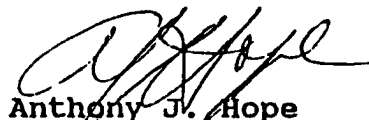
25 U.S.C. § 2703(7)(A)(i) (emphasis added). Because Shooter Bingo is not traditional or classic bingo, in order to be classified as a class II game, it must be a game similar to bingo. The NIGC defined "game similar to bingo" in its definition regulations. See 25 C.F.R. § 502.9. That definition requires the game to meet the three statutory criteria for bingo in 25 U.S.C. § 2703(7)(A)(i) and not be a house banking game.

Shooter Bingo appears to meet the three statutory requirements of bingo. It is played for prizes with cards bearing letters and word designations. Players cover the designations when objects similarly designated are drawn or determined. The objects in Shooter Bingo are dice rather than a bingo blower, but they serve the same function as a bingo blower. Finally, in Shooter Bingo the game is won by the first person (more likely the first persons) to cover the designated pattern on their card.

Lastly, Shooter Bingo, if played as described above, is not a house banking game. Players compete against each other rather than the house, and the house does not bank the game.

We do require two modifications to Shooter Bingo to qualify as a game similar to bingo. As in traditional bingo, players should have no role in determining the designated pattern; that function should be performed by the house. Therefore, no player should handle or throw the dice. Moreover, the dice should be caged to insure the integrity and security of the game.

Sincerely,


Anthony J. Hope
Chairman